

**Carlisle Conservation Commission**  
**January 13, 2011**

Pursuant to the notice filed with the Town Clerk, Chair Elect Peter Burn called the meeting to order in the Clark Room at the Town Hall at 7:30 p.m. Also present were Commissioners Luke Ascolillo, Tom Brownrigg, and Jen Bush, and Conservation Administrator Sylvia Willard. Chair Kelly Guarino joined the meeting late.

**Minutes:**

*Brownrigg moved to approve the **May 27, 2010** minutes as amended, Bush seconded and all voted in favor with exception of Ascolillo, who abstained.*

*Brownrigg moved to approve the **June 10, 2010** minutes as amended, Bush seconded and all voted in favor with exception of Ascolillo, who abstained.*

*Brownrigg moved to approve the **October 28, 2010** minutes, Bush seconded and all voted in favor, with exception of Ascolillo, who abstained.*

**Enforcement Order – Great Brook Farm State Park:** The previously approved EO was circulated for signatures.

**Town Report Update:** Willard announced that she would be circulating the draft update for the 2010 Town Report for the Commission's review prior to their next meeting.

**Fern's Country Store – Site Plan Review Comments:** At the request of the Planning Board, the Commission discussed the proposed modifications to the Site Use Plan for Fern's Country Store and determined that there are no jurisdictional issues associated with the Plan. In response to the applicant's request for a waiver of the \$1,000 Site Plan Review filing fee, the Commission will inform the Planning Board that is their opinion that the fee should not be waived.

**Community Garden Update:** The Commission agreed to schedule a public meeting to discuss the Community Garden Rules following an upcoming meeting of the Foss Farm Community Gardeners. They will be looking for feedback from the gardeners and the public relative to a revision of the revised garden rules that had been implemented during the past growing season.

**Agriculture License Agreements:** Willard asked the Commission for input relative to the process for the upcoming annual agricultural license review. She noted that this year marks the end of a three-year cycle, so they will be required to advertise when the meeting date is determined. She reported having received three written requests from parties interested in farming, which will likely result in some competition for the permits, as all available parcels are currently being cared for by long time licensees. All agreed with Bush's suggestion to request that the Land Stewardship Committee be asked to attend the meeting in order to provide input relative to evaluating potential changes to land use practices. Brownrigg noted that LSC has recently completed a Comprehensive Land Management Plan and advocated for a review of their recommendations prior to making any decisions relative to the license agreements. The public meeting was tentatively scheduled for February 24, 2011.

**Bylaw Fee Revision - Public Hearing:** Burn opened the hearing, noting for the record that there were no members of the public present for the discussion. Pursuant to an intensive study of the existing fee structure as it relates costs of performing the work associated with each type of filing and a comprehensive review of the findings of the study, the Commission was now ready to vote on the revised schedule. Subsequent to the Commission's previous discussion of the proposed fee schedule revisions, Willard had circulated a memorandum highlighting the following five potential amendments to the draft Bylaw Fee Schedule, some of which were based on comments from an engineer from one of the local engineering firms or fees for project in Carlisle's nearby or sister towns: (1) waiver of the fee or some portion of the fee for a project submitted by a youth associated with a recognized youth organization that is clearly a public service project; (2) additional fee for work within a Riverfront Area; (3) additional fee for Stormwater Management Basins and Point Source Discharges within the 100' Buffer Zone; (4) additional fees for Multiple Dwelling Structures; (5) additional fee for Commercial development projects.

Following a brief discussion of the proposed amendments, the Commission deferred taking a position on amendments three through five until they have had an opportunity to further research operating costs associated with those types of filings.

*Bush moved to amend the motion for amending the draft Bylaw Fee Schedule to include a waiver of the bylaw fee or some percentage thereof for projects clearly proposed by Carlisle youth associated with a known youth program for a public service project, Brownrigg seconded the amendment and all voted in favor.*

*Ascolillo moved to further amend the motion to state that work in a Riverfront Area would be at a rate of 1.25% of the normal standard fee for work outside of the Riverfront Area, Bush the amendment seconded and all attending voted in favor.*

Relative to the previously accepted proposed changes to the Bylaw Fee Schedule, Burn commended Commissioner Brownrigg for his thoughtful pursuit of fair and appropriate fees along with Willard for her efforts in researching the data on which the proposed revisions were based. Burn also said he wanted to indicate for the public record that the Commission is in fact under significant pressure financially in order to generate appropriate operating fees for the operation of the ConsCom through its staff. He stated that the proposed fee changes are both consistent with other towns and with the legitimate costs of these operations as evidenced by the research of the Commission. *Brownrigg moved to accept the proposed changes to the Carlisle Wetlands Protection Bylaw Fee Schedule as noted in the draft motion, as amended, to become effective as of March 1, 2011. Bush seconded and all voted in favor.*

**8:15 p.m. (DEP 125-0893) Notice of Intent, Continued Hearing**

**Applicant: The Rachel Webster Elliott Trust – 2004, Continued Hearing**

**Project Location: 291 River Road, Map 1 Parcels 1, 1A, 1B, 3, 3B**

**Project: Common Driveway project within 100-foot Buffer Zone of a Bordering Vegetated Wetland, within Bordering Vegetated Wetland and within the 100 & 200-foot Riverfront Area**

Burn re-opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. The hearing was continued to January 27, 2011 at 8:15 p.m. at the applicant's request.

**Carlisle Energy Task Force:** Ascolillo agreed to represent the Commission at the next Carlisle Energy Task Force meeting to be held on January 19, 2011 to discuss potential locations for a one-acre photovoltaic system. The formal designation of a location for the system will allow the Town of Carlisle to become a Green Community and therefore become eligible for significant state funding assistance with energy conservation initiatives. The task force has identified several potential sites, including locations on both private land and on town-owned land. Willard noted that most of the proposed conservation lands have significant restrictions associated with allowed uses and are covered by Article 97, an amendment to the state constitution, which protects conservation land holdings. Proposed changes to use of conservation land protected under Article 97 would require certain specific criteria starting with the unanimous vote of ConsCom, working up through town meeting, and ultimately a vote of both houses of the legislature and signed off by the Governor.

**FY '12 Budget Review:** Willard reported having received a memo from FinCom requesting that the Commission provide them with a proposed budget that would allow the committee to resume operation at a sustainable level. This would be in addition to the two percent town-wide increase they are allowing for FY12.

For the historic record, Burn recalled having approached FinCom two years ago during the budget process informing them that the Commission was operating unsustainably due to the fact that they were not generating the income to support the operations of its paid staff. FinCom was provided with the same forecast during the budget for the present fiscal year, at which time the Commission told FinCom again they were going to need help. The request for an infusion of cash was denied. At that time, FinCom asked the Commission to look at the current fee schedule in relation to actual operating costs associated with staff salaries and to determine what is needed. Burn then said, "We have done our homework and warned them that this committee is running out of money. We have a multiyear trend that shows this and we also have evidence that our committee just does not work without the level of staff support that we currently have".

The Commission agreed to continue to a time when Chair Guarino can be present the discussion of what additional funding should be requested in their alternative budget and how the increase should be funded.

**8:45 p.m. Mannis Land Discussion:** It was noted for the record that letters had been sent to all abutters to the Mannis Land informing them that the Commission would be holding the discussion. At the Commission's previous meeting, they were informed that there is evidence of tree removal and wood stacking on a portion of the Mannis Land. The Commission's difficulty in responding to the potential violations is in the fact that a substantial amount of additional surveying is required in order to confirm land boundaries between public and private land. Quotes submitted by Stamski and McNary for surveying and staking the main parcel as well as several other smaller pieces came in at \$4,000 and \$2,000, respectively. After discussing several potential sources of funding for the survey work, the Commission determined that the best approach would be through submission of a Warrant Article. The details of the warrant submission process will be discussed at the next meeting.

#### **9:00 p.m. (DOA-281) Request for Determination**

**Applicant:** Department of Conservation and Recreation (DCR)

**Project Location:** 841 Lowell Street

**Project:** Construction of a 40' x' 80' modular garage and connection to utilities

Darryl Forgione represented the DCR in their request to construct a new modular garage to be used primarily for the storage and maintenance of DCR forest and park machinery and vehicles. The proposed location for the garage, a gravel lot, is currently and has been historically been used for vehicle storage and is therefore classified as a previously disturbed parcel. The building would include 3 bays, 2 offices and 1 restroom. There is an existing septic system on the site. The proposed garage would be connected to existing utilities on site. The proposal includes provisions for implementing construction Best Management Practices in order to reduce the likelihood of offsite sediment transport. Forgione stated that it is the applicant's understanding based on site walks, local knowledge of the site, current and past use of the site, as well as site walks with Administrator Willard that there are no jurisdictional resource areas within 100' of the project site. *Guarino moved to issue a Negative Determination B4 for DOA-281, the work described on the referenced plan and documents is within an area subject to protection under the Act and will remove, fill, dredge or alter that area. Therefore said work requires a filing of a Notice of Intent. Ascolillo seconded and all voted in favor.*

9:30 p.m. Guarino moved to adjourn, Bush seconded and all voted in favor.

Respectfully submitted,  
Mary Hopkins  
Administrative Assistant